

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

RONNIE BOYD

PLAINTIFF

VS.

CIVIL ACTION NO.: 3:16-cv-255-NBB-JMV

MISSISSIPPI DEPT OF CORRECTIONS

DEFENDANT

ORDER ADOPTING REPORT AND RECOMMENDATION

On December 7, 2017, the United States Magistrate Judge assigned to this action issued a Report and Recommendation recommending that the *pro se* plaintiff's complaint be dismissed for lack of subject matter jurisdiction due to Eleventh Amendment Immunity.

The Report and Recommendation warned that "any ... objections are required to be in writing and must be filed within fourteen days of this date. Failure to timely file written objections . . . will bar an aggrieved party, except upon grounds of plain error, from attacking on appeal unobjected-to proposed factual findings and legal conclusions accepted by the district court." A copy of the Report and Recommendation was mailed to the *pro se* plaintiff via United States Postal Service on December 28, 2017.

More than fourteen days have elapsed since service of the Report and Recommendation, and no objection thereto has been filed or served by any party. Accordingly, this court's review of the Report and Recommendation is limited to plain error. *See Molina-Uribe v. U.S.*, No. B:97-97, 2009 WL 3535498, at *15 (S.D. Tex. Sep. 10, 2009) ("In the absence of plain error, a party's failure to object timely to a Magistrate Judge's Report and Recommendation waives any right to further judicial review of that decision.") (citing *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1428–29 (5th Cir. 1997)).

The court has reviewed the Report and Recommendation and has found no plain error. Accordingly, it is approved and adopted as the opinion of the court, and the plaintiff's case is hereby **DISMISSED**.

SO ORDERED, this 23rd day of January, 2018.

/s/ Neal Biggers

NEAL B. BIGGERS, JR.

UNITED STATES DISTRICT JUDGE